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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/716,404 | 11/20/2003 | Takuma Mikawa | 03560.003404 | 5539 |
| 5514 | 7590 | 12/13/2007 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO | | | SHIBRU, HELEN | |
| 30 ROCKEFELLER PLAZA | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/716,404 | MIKAWA, TAKUMA |
| | Examiner | Art Unit |
| | HELEN SHIBRU | 2621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 September 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed 09/19/2007, have been entered and made of record. Claims 16-17 are added and claims 1-17 are now pending.

Response to Arguments

2. Applicant's arguments filed 09/19/2007 have been fully considered but they are not persuasive. See below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada (US PG PUB 2004/0057700a A1).

Regarding claim 1, Okada discloses an apparatus for processing image data, the apparatus comprising:

Specifying means for specifying a playback procedure of the image data (see paragraphs 0114-0117 and figs. 2-3, the PGC specifies playback order);

Detecting means for detecting date information regarding the image data specified in the playback procedure specified by specifying means (see paragraphs 0238-0253, where it shows that a seek is carried out);

playlist processing means for generating playlist data indicating the playback procedure specified by specifying means, and for generating date information of the playlist data based on the date information detected by said detecting means (see paragraphs 0249, 0219, 0271-0273, 0447-0450, PGC number corresponding to the playlist is recorded and the PGC number indicates the recording order of PGC information in UD_PGCI and playlist date and time information is recorded)

recording means for recording the playlist data and the date information of the playlist data in association with each other on a recording medium (see paragraphs 0273-0275).

Regarding claim 2, Okada discloses the recording means generates a playlist file including the playlist data and the date information of the playlist data, and records the playlist file on the recording medium (see paragraphs 0271-0275 and 0283).

Regarding claim 3, Okada discloses the date information of the playlist indicates a generation date of the playlist data (see fig. 9 and paragraph 0273).

Regarding claim 4, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data that is to be played back first among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283, user defined PGC).

Regarding claim 5, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data that is to be played back

last among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283, the playlist is user defined PGC).

Regarding claim 6, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data having date information indicating an oldest date among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283).

Regarding claim 7, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data having date information indicating a latest date among the image data specified in the playlist data (see fig. 9, paragraphs 0219, 0266, 0271, and 0283).

Regarding claim 8, Okada discloses the playlist processing means further generates thumbnail image data of the playlist data based on the image data specified in the playlist data, and the recording means further records the thumbnail image data of the playlist data in association with the playlist data on the recording medium (see figs. 8, 10 and paragraphs 0279-0285).

Regarding claim 9, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data selected from the image data specified in the playlist data, and generates thumbnail image data of the playlist data based on the image data selected (see paragraphs 0283, 0285-0286).

Regarding claim 10, Okada discloses the playlist processing means further generates recording-position information of the playlist data based on position information indicating a recording position regarding the image data specified in the playlist data, and the recording

means further records the recording-position information of the playlist data in association with the playlist data on the recording medium (see figs. 8-11, paragraphs 0281, 0709-0718).

Regarding claim 11, Okada discloses the playlist processing means generates date information of the playlist data based on date information of image data selected from the image data specified in the playlist data, and generates recording-position information of the playlist data based on position information of the image data selected (see figs. 11, 33 and paragraph 0714).

Regarding claim 12, Okada discloses the image data specified in the playlist data is recorded on the recording medium (see paragraphs 0271-0275).

Regarding claim 13, Okada discloses display control means for displaying information regarding the image data and information regarding the playlist data recorded on the recording medium, in an order based on the date information (see fig. 9, paragraphs 0285 and 0447).

Regarding claim 14, Okada discloses the recording medium is a recording medium that allows random access (see abstract and paragraph 0109).

Method claims 15 and 16 are rejected for the same reasons as discussed in claim 1 above.

Regarding claim 17, Okada discloses display control means for sorting the image data and the playlist data on the basis of the data information of the image data and the data information of the playlist data and for displaying information regarding the image data and the playlist in the sorted order (see paragraphs 0285 and 0447 and figs. 7, 9, 34 and 48).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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